RAJYA SABHA

Wednesday, the 12th May, 1993/
22 Vaisakha, 1915 (Saka)

The House met at eleven of the clock, **Mr. Chairman in the Chair.**

ORAL ANSWERS TO QUESTIONS

Passengers without proper travel Documents

@*221. SHRI SURESH KALMADI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government's attention has been drawn to the news item published in the Statesman dated 20th April, 1993 captioned "Passengers without papers, is India too soft on airlines";

(b) if so, what is Government's reaction thereto; and

(c) whether as per practice in vogue in several countries, Government propose to take action against the airlines that bring in passengers without proper travel documents at airports in India?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): (a) Yes, Sir.

(b) and (c) Under the Foreigners Order, 1948, the Master of the vessel or Pilot of the aircraft or the owners or agents thereof are required to remove a foreigner who has been refused permission to enter India or has entered India without permission. Failure to comply with this requirement can result in prosecution. Legal action against offenders is taken according to these provisions.

SHRI SURESH KALMADI: Sir, whenever a foreigner lands in an Indian airport without proper travel papers, he is deported and that is the end of the story. But Sir, in many international airports, the persons who enter in such a fashion are fined generally or imprisoned alongwith a fine and the airline which brings in such perrsons is also fined.

In the United States the airline which brings in such passengers is fined about 3,000 dollars, in Canada the fine is about 5,000 dollars and in U.K. the fine is about 2,000 pounds. Also, I would like to know as to how many such passengers have arrived in India in the last quarter of the last year and who pays for their boarding and lodging because many times in the airport itself, a special room is kept for them. So, who pays for their boarding and lodging and who pays for their going back to the country from where they have come? Thesce are the things which I would like the Minister to answer.

SHRI RAJESH PILOT: Sir, it is a fact that such incidents take place. We had been talking to the airlines concerned and we are also awrea, as the hon. Member has said, that there are some countries in the world which take legal action gainst such airlines and also against the persons concerned trvelling by those airlines. In our case, we have a bilateral agreement. There is a feeling that, as it is, since the airlines are paying for their air fare up and down, that itself is a penalty. We are also awarding an amount of Rs. 1,000 as fine and imprisonment for three months. But it is not as severe as the hon Member has indicated. We are having discussions with the airlines. But, as on today deporting such passengers, which a financial burden on the airlines, is itself a punishment. And, on the basis of the whole year's travel information, we have calculated that on an average, it comes to round about 2 persons per day all over the country. That was their argument. It is not a very big mencae at the moment. But, we are having further discussions with the Civil Aviation Ministry. As for part 2 of the supplementary, the number

@Previously started question 123, transferred from 4th May, 1993.

to March 1993 is, from New Delhi 55, Bombay 16, Calcutta Nil, and Madras 119. As I have said, it is the airline which brings in these people which pays for everything, which takes them back to the places where they have come from. So, it is the airline concerned which pays for them.

SHRI SURESH KALMADI: Sir, it is very clear from the reply of the hon. Minister that the Government is very lenient with such offenders and, I think, there is a need for amending the Foreigners Order of 1948. I would like to know as to whether the Government which consider amending the Order for stricter control on airlines as well as the people coming in and I would also like to know whether there are any particular airlines which are perpetually breaking this particular law. It was brought to our notice that the Pakistan Airways, the Tai Airways and the Malaysian Airways are the three airways which bring in the maximum number of people without valid passports to the country.

SHRI RAJESH PILOT: Sir, as far as part 1 of his question is concerned, the Government is considering stricter action on this. We are also considering amending this Act. This is under consideration. We are having consultation with the concerned agencies. As far as part 2 of his question is concerned, that some airline companies which are mentioned had brought some people in some of their trips, it is not one particular Airline company which is doing it. We have taken a lot of precautonary measures. The hon. Member was a pilot himself. If he recollects, the captain of an aircraft has to say that all the immigration formalities have been completed. The lapse comes with false documents. Sometimes some people forge their documents, their passports and their visas. There we are improving our system and as the hon. Member has suggested, we want to be very strict and we will do it even by amending the laws.

SHRI V. NARAYANASAMY: Hon. Chairman, Sir, the hon. Minister has replied that under the Foreigners Order, 1948, the Master of the vessel or the pilot of the aircraft or the owners or agents thereof are required to remove a foreigner who enters India without permission. But what is happenisg today is when a cargo ship comes back from Sri Lanka, it admits into it a lot of people and in a clandestine manner they are brought, especially the Tamil refugees, from Sri Lanka and under this guise, the LTTE people are also entering into Tamil Nadu.

MR. CHAIRMAN: Is it that you are speaking about ships?

SHRI V. NARAYANASAMY: They are coming in cargo vessels in a clandestine manner from Sri Lanka. Not only that, even from Myanmar and Bangladesh, a lot of infiltration is taking place. People are being smuggled into India from Sri Lanka through licensed vessels. I am not telling about the boats in which they are coming. People are smuggled into Tamil Nadu through licensed cargo vessels and as a result of this, terrorism is spreading. My worry is that only. I would like to tell the hon. Minister that the Foreigners Order, 1948 is not going to serve any purpose. In view of this, I would like to know what strict action the Government is going to take.

MR. CHAIRMAN: It is a good question, but somewhat outside the present question. I think you have to... (*Interruptions*)...

SHRI V. NARAYANASAMY: Sir, I will satisfy you as to whether it is pertinent or not. I read the reply of the hon. Minister. The Minister has said that under the Foreigners Order, 1948, the Master of the vessel or the pilot of the aircraft or the owners or agents thereof are required to remove a foreigner who enters

India without permission. The Minister himself has said that failure to comply will result in prosecution... *(Interruptions)*...

MR. CHAIRMAN: I don't know if Minister would like to answer that question.

SHRI RAJESH PILOT: Sir, when the Foreigners Order, 1948 was made, it was made for vessels, aircraft and all those concerned with that category. What the hon. Member made out is a very genuine point. We have tightened the system even in ports keeping the security aspect in mind. In this respect the system is energised and I am sure that the complaint about which the hon. Member is speaking should not be there any more.

SHRI TINDIVANAM G. VENKATRAMAN: Sir the hon. Minister has given a list of airports where passengers were caught without valid documents and all that. I would like to know from the hon. Minister whether the airline companies are hand in glove with the persons who are connected with the clandestine trade of transferring on passengers to India. I would also like to know from the hon. Minister whether any such cases have been detected and what investigation has been conducted into those cases.

SHRI RAJESH PILOT: Sir, this is an ongoing system. This is an ongoing exercise which is continued at the airports and at the ports for tha matter. Wherever we feel this could be further strengthened, further improved upon by suggestions or by noticing our own lapses sometimes, we carry on taking remedial measures. Now, we have modernised our international airports with these facilities. We are further improving it by inducting some more experts and giving them training and are keeping in mind the security and the reception aspects because we don't want the travellers to feel that there is a tight security. When a foreign tourist comes to India, we should not give him an impression that we are not welcoming him. Keeping in mind these objectives, we have had a scheme which is working and there is always scope for improvement which the Government will always do.

SHRI G. G. SWELL: Sir, this question relates to the Indian Airlines. Now, the Minister has mentioned some figures about the people who have been caught in Delhi, Bombay and Calcutta and the manner of meeting their expenditure in India and their deporation from India. I would like to know whether he has made an analysis of the nationalities of these people who try to get into India illegally and also whether he has tried to find out the reasons why they want to come to India illegally. I would further like to know whether, as a result of this study, it is seen that there is a trend, a definite trend, of the people trying to get into India and also a definite trend in their motives for trying to get into India in this manner.

SHRI RAJESH PILOT: Sir, as far as the nationalities of the deported persons are concerned, I may not have all the information at this moment. But I have said that out of those deported we have prosecuted some. I think the nationalities of persons who havr been prosecuted up to the 31st March 1993 are like this: At New Delhi airport, out of he deported 85, eight people have been prosecuted and two are Afgnanis, two Bangladeshis, one Nepali, one Sri Lankan and one Kuwaiti.

As far as Calcutta is concerned, we have prosecuted 15 people and out of them, Bangaladeshis are 13, Afghani is one and Somalian is one.

Similarly, at Madras, we have prosecuted one whose nationality is not available with me now. But, as far as the nationality of the deported people is concerned, I can supply the information to the honourable Member if he so desires, on the nationality of those who have been deported from the airport.

SHRI G. G. SWELL: Sir, there is another part to my question. The Minister might say whether, as a rehult of interrogatiin of thrse people, he has come to the conclusion that there is a definite trend in their motivation for trying to come to India.

SHRI RAJESH PILOT: Sir, as far as the second part is concerned, at this moment, I may not be in a position to give the correct picture or the right information. But most of these people who have come have come on forged documents. But, with regard to the information as to how they have done it and why they have done it, I can supply it to the honourable Member at a later stage when I can give the correct information.

MR. CHAIRMAN: Yes, Mr. Kamal Morarka.

SHRI KAMAL MORARKA: Sir, as the honourable Minister is aware, when we Indians go abroad, at the checking counter at the airport, the airline officials check up our travel documents, not only the passport validity but also the visa is for the particular country. If the visa is not valid or if he does not have the proper travel documents, the passenger is not taken on the aircraft at all. Why can't this operate in the reverse way? Why can't these airlines, which bring passengers without valid travel documents right up to India—and even take them back, may be at their own cost—follow the same procedure when the passengers embark upon their journey from one of the Western countries or, as my friend, Mr. Kalmadi, has said, from Pakistan, Malaysia or Thailand? Why can't they ensure that these passengers have their valid passports and visas for India and if they do not have them, they are not taken on the flight? Why can't he ensure that these airlines follow the same procedure?

SHRI RAJESH PILOT: Sir, I think there is a slight communication gap between my answer and the honourable Member's question. It is not that these people do not carry valid passports or visa. The point is that when they come, they come on forged passports or visas and sometimes they have a photo substitution of other persons. There are various causes or which they come. It is not that when they come without valid documents we permit them. The point is that they manipulate the valid documents in various forms and they are sort of cauhgt at some of the points whenever they are operating or when they are landing at the next airport. After that, when we find that the valid document is not there or the document is not valid, we ask them to go back.. I do not think that there is a single case in which somebody has come without an up-to-date visa or current visa.

MR. CHAIRMAN: Next Question. Question No. 222.

Fire Safety measures for high-rise building in Delhi

"222. SHRI SHANTI TYAGI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the fire prevention/safety measures are compulsory for the high-rise buildings in the capital;

(b) if so how many of such buildings have carried out these measures and how many have ignored; and

(c) the number of cases registereu against those who have violated the fire safety measures?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): (a) to (c) A Statement is laid on the Table of the Sabha.

After the Unified Building Bye-laws were adopted in June 1983, the enforcement of five prevention and fire safety measures has become compulsory for high rise buildings in Delhi.